



Children, Families, Health, and Human Services Interim Committee

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65th Montana Legislature

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June 29, 2017

TO: Children, Families, Health, and Human Services Interim Committee
FROM: Alexis Sandru, Staff Attorney
RE: Administrative Rule Report -- MAR Issue 12

In Issue 12 of the Montana Administrative Register (dated June 23, 2017), the Department of Public Health and Human Services has published 2 proposal notices and 1 adoption notice.

The Department has proposed the following:

MAR Notice Number: 37-743

Subject: Amendments to Healthy Montana Kids evidence of coverage

Summary: The Department is proposing to incorporate by reference a revised version of the HMK evidence of coverage, which includes the following revisions:

- changing HMK prior authorization procedures to require providers, not parents, to obtain prior authorization for certain services;
- covering certain therapies for developmental disabilities;
- adopting HELP Act and plan language to describe the pharmacy benefit;
- adding definitions of "rehabilitation" and "habilitation";
- having the Department's fiscal agent administer the ambulance benefit and removing the ambulance copay;
- adopting the Medicaid definition of "medically necessary"; and
- using the third-party administrator to authorize dental anesthesia and dental implants.

The Department does not anticipate a fiscal impact associated with the proposed amendments.

Notes/Hearing: A public hearing is scheduled for July 14, 2017, at 3:30 p.m. in the auditorium of the DPHHS building located at 111 North Sanders, Helena, Montana. Public comment is due by 5 p.m. on July 21, 2017.

MAR Notice Number: 37-795

Subject: Update of federal poverty index guidelines for the Montana telecommunications access program

Summary: The Department is proposing to amend the maximum level of income allowed in order to be eligible for the Montana telecommunications access program. The amendment would replace the 2016 federal poverty guidelines with the 2017 guidelines. The Department anticipates no fiscal impact.

Notes/Hearing: No public hearing is scheduled. Public comment is due by 5 p.m. on July 21,

2017.

The Department has adopted the following:

MAR Notice Number: 37-792

Subject: Establishment of collaborative practice drug therapy management

Summary: The Department proposed to establish a collaborative practice drug therapy management program in the Montana Medicaid plan in order to reimburse clinical pharmacist practitioners who provide face-to-face, direct patient care to Medicaid members who have at least one chronic condition needing at least one maintenance medication. The Department anticipated that the projected cost of the program would be offset by the savings and that the proposed action would affect 13 providers and 851 Medicaid members.

Notes/Hearing: A public hearing was held on May 19, 2017, and public comment was due on May 26, 2017.

Adoption Notice Notes: The Department received several comments, including one comment expressing concern that, under the rules as proposed, collaborative practice drug therapy management could be provided in a retail pharmacy setting rather than within a medical practitioner's office. The Department concurred with the comment and revised the proposed language to clarify that collaborative practice drug therapy management must be provided within a clinical setting of a medical practitioner's office or facility. The adopted rules and amendment are effective July 1, 2017.